UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,632	06/09/2000	Susan Lindquist	27373/34978A	2820

7590 03/13/2006	EXAMINER
Marshall O'Toole Gerstein	TURNER, SHARON L

Marshall O'Toole Gerstein
Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

ART UNIT	PAPER NUMBER
1649	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

2-29-06

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached Sequence Error Report and Notice to Comply

COUNT SHEET FOR SEQUENCE CASES

Serial No. _05/591,632_   AE _____

                                    Date of Count _____

Mark only one space below

___/X___   **(CRFN)** (CRF is unreadable; use CRF Diskette
                          Problem Report)

_____   **(CRFD)** (CRF does not comply; use Notice to
                          Comply)

_____   **(CRFR)** (CRF required but none submitted;
                          use Notice to Comply)

_____   **(bona fide)** (second or subsequent letter to applicant
                          reporting bona fide attempt to comply;
                          use Notice to Comply and send copy
                          of RSL)

_____   **(non bona fide)** (second or subsequent letter to
                          applicant reporting non-bona fide
                          attempt to comply; use Notice to
                          Comply and send copy of RSL)

Examiner ___Sharon L. Turner, Ph.D.___   **GAU:** ___1649___

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER NUMBER

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Turner whose telephone number is (703) 308-0056. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner ~~Gary Kunz~~ whose telephone number is (703) 308-4623. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SPE is Janet Andres 571-272-0867

SHARON TURNER, PH.D.
PRIMARY EXAMINER

phone 571-272-0894

2-29-06

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: _See attached error report._____

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support
    Technical Assistance......................................703-287-0200
    To Purchase PatentIn Software........................703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/591,632C

Source: 1Fuji6

Date Processed by STIC: 2/7/06

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY
FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
>   http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
   U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

Raw Sequence Listing Error Summary

ERROR DETECTED   **SUGGESTED CORRECTION**   SERIAL NUMBER: _09/591,632C_

1____Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2____Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3____Misaligned Amino Numbering	The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4____Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5____Variable Length	Sequence(s)____contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6____PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7____Skipped Sequences (OLD RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8____Skipped Sequences (NEW RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
9____Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
10____Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
11____Use of <220>	Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
12____PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
13____Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid

IFW16

RAW SEQUENCE LISTING   DATE: 02/07/2006
PATENT APPLICATION: US/09/591,632C   TIME: 09:01:23

Input Set : A:\34978a.txt
Output Set: N:\CRF4\02072006\I591632C.raw

lisi exceeds 72 characters

(see item 2 on Error Summary sheet)

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     3 <110> APPLICANT: Lindquist, et al.
     5 <120> TITLE OF INVENTION: RECOMBINANT PRION-LIKE GENES AND PROTEINS AND MATERIALS AND
     6       METHODS COMPRISING SAME
     8 <130> FILE REFERENCE: 30554/34978A
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C--> 10 <141> CURRENT FILING DATE: 2000-06-09
    10 <150> PRIOR APPLICATION NUMBER: US 09/591,632
    11 <151> PRIOR FILING DATE: 2000-06-09
    13 <150> PRIOR APPLICATION NUMBER: US 60/138,833
    14 <151> PRIOR FILING DATE: 1999-06-09
    16 <160> NUMBER OF SEQ ID NOS: 70
    18 <170> SOFTWARE: PatentIn version 3.3
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delete — these are not prior data. They are current data.

ERRORED SEQUENCES

Does Not Comply Corrected Diskette Needed

pp 1, 3, 5-6, 7

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   430 <211> LENGTH: 1427
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   443 agtttttcat tttttgttat tagtcatatt gttttaagct gcaaattaag ttgtacacca       180
   445 a atg atg aat aac aac ggc aac caa gtg tcg aat ctc tcc aat gcg ctc        229
   446   Met Met Asn Asn Asn Gly Asn Gln Val Ser Asn Leu Ser Asn Ala Leu
   447   1               5                  10                  15
   449 cgt caa gta aac ata gga aac agg aac agt aat aca acc acc gat caa        277
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   451             20                  25                  30
   453 agt aat ata aat ttt gaa ttt tca aca ggt gta aat aat aat aat aat        325
   454 Ser Asn Ile Asn Phe Glu Phe Ser Thr Gly Val Asn Asn Asn Asn Asn
   455         35                  40                  45
   457 aac aat agc agt agt aat aac aat aat gtt caa aac aat aac agc ggc        373
   458 Asn Asn Ser Ser Ser Asn Asn Asn Asn Val Gln Asn Asn Asn Ser Gly
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   461 cgc aat ggt agc caa aat aat gat aac gag aat aat atc aag aat acc        421
   462 Arg Asn Gly Ser Gln Asn Asn Asp Asn Glu Asn Asn Ile Lys Asn Thr
   463 65                  70                  75                  80
   465 tta gaa caa cat cga caa caa caa cag gca ttt tcg gat atg agt cac        469
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466 Leu Glu Gln His Arg Gln Gln Gln Gln Ala Phe Ser Asp Met Ser His
467                 85              90              95
469 gtg gag tat tcc aga att aca aaa ttt ttt caa gaa caa cca ctg gag     517
470 Val Glu Tyr Ser Arg Ile Thr Lys Phe Phe Gln Glu Gln Pro Leu Glu
471             100             105             110
473 gga tat acc ctt ttc tct cac agg tct gcg cct aat gga ttc aaa gtt     565
474 Gly Tyr Thr Leu Phe Ser His Arg Ser Ala Pro Asn Gly Phe Lys Val
475         115             120             125
477 gct ata gta cta agt gaa ctt gga ttt cat tat aac aca atc ttc cta     613
478 Ala Ile Val Leu Ser Glu Leu Gly Phe His Tyr Asn Thr Ile Phe Leu
479     130             135             140
481 gat ttc aat ctt ggc gaa cat agg gcc ccc gaa ttt gtg tct gtg aac     661
482 Asp Phe Asn Leu Gly Glu His Arg Ala Pro Glu Phe Val Ser Val Asn
483 145             150             155             160
485 cct aat gca aga gtt cca gct tta atc gat cat ggt atg gac aac ttg     709
486 Pro Asn Ala Arg Val Pro Ala Leu Ile Asp His Gly Met Asp Asn Leu
487             165             170             175
489 tct att tgg gaa tca ggg gcg att tta tta cat ttg gta aat aaa tat     757
490 Ser Ile Trp Glu Ser Gly Ala Ile Leu Leu His Leu Val Asn Lys Tyr
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494 Tyr Lys Glu Thr Gly Asn Pro Leu Leu Trp Ser Asp Asp Leu Ala Asp
495         195             200             205
497 caa tca caa atc aac gca tgg ttg ttc ttc caa acg tca ggg cat gcg     853
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501 cca atg att gga caa gct tta cat ttc aga tac ttc cat tca caa aag     901
502 Pro Met Ile Gly Gln Ala Leu His Phe Arg Tyr Phe His Ser Gln Lys
503 225             230             235             240
505 ata gca agt gct gta gaa aga tat acg gat gag gtt aga aga gtt tac     949
506 Ile Ala Ser Ala Val Glu Arg Tyr Thr Asp Glu Val Arg Arg Val Tyr
507             245             250             255
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510 Gly Val Val Glu Met Ala Leu Ala Glu Arg Arg Glu Ala Leu Val Met
511             260             265             270
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514 Glu Leu Asp Thr Glu Asn Ala Ala Ala Tyr Ser Ala Gly Thr Thr Pro
515         275             280             285
517 atg tca caa agt cgt ttc ttt gat tat ccc gta tgg ctt gta gga gat     1093
518 Met Ser Gln Ser Arg Phe Phe Asp Tyr Pro Val Trp Leu Val Gly Asp
519     290             295             300
521 aaa tta act ata gca gat ttg gcc ttt gtc cca tgg aat aat gtc gtg     1141
522 Lys Leu Thr Ile Ala Asp Leu Ala Phe Val Pro Trp Asn Asn Val Val
523 305             310             315             320
525 gat aga att ggc att aat atc aaa att gaa ttt cca gaa gtt tac aaa     1189
526 Asp Arg Ile Gly Ile Asn Ile Lys Ile Glu Phe Pro Glu Val Tyr Lys
527             325             330             335
529 tgg acg aag cat atg atg aga aga ccc gcg gtc atc aag gca ttg cgt     1237
530 Trp Thr Lys His Met Met Arg Arg Pro Ala Val Ile Lys Ala Leu Arg
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RAW SEQUENCE LISTING   DATE: 02/07/2006
PATENT APPLICATION: US/09/591,632C   TIME: 09:01:23

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Output Set: N:\CRF4\02072006\I591632C.raw

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534 Gly Gly
537 agaaggttat aagggtatgt atataggcag acaaaaagga aaattaagtg caaatataaa   1346
539 caaaaatgtc atagaagtat ataatagttt tgaaatttct gttgcttcta tttattcttt   1406
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     737 acttcaccac cctttatttc aggctgatat cttagccttg ttactagtta gaaaaagaca   180
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     743 ttgtcagaat catataaaag aagaagcaaa taactccttg tcttgtatca attgcattat   360
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E--> 747 aactgtacaa tcaatcaatc aatca                                     445
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     3725 atttgggaat ttactctgtg tttatttatt tttatgtttt gtatttggat tttagaaagt   180
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PATENT APPLICATION:   US/09/591,632C    TIME: 09:01:23

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B--> 3871 ccgctacccg cggatggcta gcaaaggaga agaactcttc actggagttg tcccaattct  4560
B--> 3873 tgttgaatta gatggtgatg ttaatgggca caaattttct gtcagtggag agggtgaagg  4620
B--> 3875 tgatgcaaca tacggaaaac ttacccttaa atttatttgc actactggaa aactacctgt  4680
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RAW SEQUENCE LISTING   DATE: 02/07/2006
PATENT APPLICATION: US/09/591,632C   TIME: 09:01:23

Input Set : A:\34978a.txt
Output Set: N:\CRF4\02072006\I591632C.raw

E--> 3959 gggcttgtct gctcccggca tccgcttaca gacaagctgt gaccgtctcc gggagctgca   7200
E--> 3961 tgtgtcagag gttttcaccg tcatcaccga aacgcgcga   7239

```
gta aca gct gct ggg att aca cat ggc atg gat gaa cta tac aaa tga          720
Val Thr Ala Ala Gly Ile Thr His Gly Met Asp glu Leu Tyr Lys
225             230             235
```

(240) delete, since
no amino
acid
is shown

Input Set : **A:\34978a.txt**
Output Set: **N:\CRF4\02072006\I591632C.raw**

L:10 M:270 C: Current Application Number differs, Replaced Current Application No
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:541 M:254 E: No. of Bases conflict, LENGTH:Input:1427 Counted:1426 SEQ:3
L:541 M:252 E: No. of Seq. differs, <211> LENGTH:Input:1427 Found:1426 SEQ:3
L:747 M:252 E: No. of Seq. differs, <211> LENGTH:Input:446 Found:445 SEQ:11
L:3593 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:39
L:3869 M:254 E: No. of Bases conflict, LENGTH:Input:4500 Counted:4499 SEQ:45
M:254 Repeated in SeqNo=45
L:3961 M:252 E: No. of Seq. differs, <211> LENGTH:Input:7239 Found:7238 SEQ:45